

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 3, 2009

The Senate met at 9 a.m.

Hon. Darrell Steinberg, of the 6th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland—31.

Quorum present.

(NOTE: Senators Aanestad, Oropeza, and Yee will be excused this day on legislative business, Senator Liu will be excused this day on legislative business (waives per diem), and Senators Cedillo, Correa, Ducheny, and Romero will be excused this day to attend a funeral.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 2, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 5

ACR 19

ACR 22

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 5—Relative to California Science Education Month.

Assembly Concurrent Resolution 19—Relative to Spay Day USA 2009.

Assembly Concurrent Resolution 22—Relative to Read Across America Day.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing, March 24, 2009

Mr. President: The Committee on Judiciary, to which was referred:

SB 20

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CORBETT, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Date of Hearing, March 3, 2009

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 14

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

PADILLA, Chair

Above measure re-referred to the Committee on Rules.

LETTERS OF TRANSMITTAL

The following transmittals were ordered printed in the Journal:

An audit report dated: January 29, 2009, relating to the California Prison Health Care Services, was received from California State Auditor and transmitted to the Committee on Rules.

An annual report dated: January 26, 2009, relating to the DNA Fund 2008, was received from the County of Colusa and transmitted to the Committee on Public Safety.

A Title Summary Report 08-0018 dated: January 26, 2009, relating to the McCauley Public Employee Pension Reform Act, was received from Department of Justice and transmitted to the Committee on Rules.



A quarterly report dated: January 23, 2009, relating to the Timeliness of Hearings Held for the Fourth Quarter of 2007, was received from Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

A quarterly report dated: January 23, 2009, relating to the Third Quarter 2008 Non-Toll Seismic Retrofit Program, was received from Department of Transportation and transmitted to the Committee on Transportation and Housing.

An annual report dated: January 8, 2009, relating to the Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant, was received from Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: January 22, 2009, relating to the Policy Analysis of the San Mateo Pharmacy and Laboratory Project, was received from Department of Mental Health and transmitted to the Committee on Health.

An annual report dated: January 12, 2009, relating to the Veterans' Finance Committee of 1943 FY 2007–08, was received from Department of Veterans Affairs and transmitted to the Committee on Veterans Affairs.

An agency report dated: January 12, 2009, relating to the Expenditures as of June 30, 2008 for Toxic Substances Enforcement Program, was received from Office of the Attorney General and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: January 22, 2009, relating to the California Prison Health Care Services: Improper Contracting Decisions and Poor Internal Controls, was received from California State Auditor and transmitted to the Committee on Rules.

An agency report dated: January 16, 2009, relating to the Study of the Sale and Consumption of Banh Chung, Banh Tet, and Moon Cakes, was received from Department of Public Health and transmitted to the Committee on Health.

An annual report dated: December 30, 2008, relating to the EMS Fund 2007–08, was received from the County of Ventura and transmitted to the Committee on Health.

An annual report dated: January 14, 2009, relating to the Federal Clean Water Act, was received from the County of State Water Resources Control Board and transmitted to the Committee on Natural Resources and Water.

An agency report dated: January 13, 2009, relating to the Status of Immigrant Inmates, was received from Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.



An agency report dated: January 9, 2009, relating to the January 2009 Automated Transportation Permit System, was received from Department of Transportation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 15, 2009, relating to the Mathematics Teacher Partnership Pilot Program, was received from Department of Education and transmitted to the Committee on Education.

An agency report dated: January 13, 2009, relating to the Public Authorities and Nonprofit Consortia in the Delivery of In-Home Supportive Services, was received from Department of Social Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 16, 2009, relating to the Use of Waste Tires, was received from Department of Transportation and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 15, 2009, relating to the Auxiliary EdFund, was received from California Student Aid Commission and transmitted to the Committee on Education.

An annual report dated: January 15, 2009, relating to the DNA Fund 2008, was received from the County of Fresno and transmitted to the Committee on Public Safety.

A final report dated: March 1, 2009, relating to the Energy Resources Conservation and Development Commission, Renewable Resource Trust Fund, FY ended June 30, 2008, was received from Department of Finance and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: March 2, 2009, relating to the Division of Apprenticeship Standards, was received from Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An annual report dated: February 25, 2009, relating to the 2008 Annual Performance Report, was received from Business, Transportation and Housing Agency and transmitted to the Committee on Transportation and Housing.

An annual report dated: March 3, 2009, relating to the Lawyer Assistance Program, was received from California State Bar and transmitted to the Committee on Judiciary.

An annual report dated: February 27, 2009, relating to the Nursing Home Administrator Program Annual Work Plan FY 09/10, was received from Department of Public Health and transmitted to the Committee on Health.



An agency report dated: March 3, 2009, relating to the Evaluation Study of California's School Assistance and Intervention Team Process, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 27, 2009, relating to the Administrative Errors in Alternative Payment and CalWORKS Child Care Programs FY 2007–08, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: February 24, 2009, relating to the California High School Exit Exam Litigation First Quarter FY 2008–09, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: February 24, 2009, relating to the California High School Exit Exam Litigation Second Quarter FY 2008–09, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 23, 2009, relating to the CHP's Budgetary Authority, was received from Department of California Highway Patrol and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 19, 2009, relating to the 2007 Statewide Employee Housing Statistical Summary, was received from Department of Housing and Community Development and transmitted to the Committee on Transportation and Housing.

An agency report dated: February 25, 2009, relating to the Toxic Substances Control Account Report for the 2006/2007, was received from Department of Toxic Substances Control and transmitted to the Committee on Natural Resources and Water.

A Title Summary Report 09-0001 dated: February 25, 2009, relating to the State Budget. Penalties for Governor and Legislature if Budget Deadlines not met. Initiative Constitutional amendment, was received from Department of Justice and transmitted to the Committee on Rules.

An agency report dated: February 5, 2009, relating to the Annual Fees Report FY 2007 2008, was received from Water Resources Control Board and transmitted to the Committee on Natural Resources and Water.

An audit report dated: March 25, 2009, relating to the Audits Released in January 2007 Through December 2008, was received from California State Auditor and transmitted to the Committee on Budget and Fiscal Review.



An annual report dated: February 19, 2009, relating to the DUI Management Information System, was received from Department of Motor Vehicles and transmitted to the Committee on Public Safety.

An agency report dated: February 23, 2009, relating to the State Ballot Pamphlet Votes, was received from Office of the Secretary Of State and transmitted to the Committee on Elections, Reapportionment & Constitutional Amendments.

An annual report dated: February 24, 2009, relating to the DNA Fund 2008, was received from the County of San Benito the and transmitted to the Committee on Public Safety.

An annual report dated: February 23, 2009, relating to the DNA Fund 2008, was received from the County of Napa and transmitted to the Committee on Public Safety.

An annual report dated: February 18, 2009, relating to the EMS Fund 2007–08, was received from the County of Glenn and transmitted to the Committee on Health.

An annual report dated: February 13, 2009, relating to the Railroad Safety Activity, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: February 20, 2009, relating to the Trial Court Expenditures for FY 2007–08, was received from Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 11, 2009, relating to the New Foster Care Group Home Requirements and Increases in Industry's Cost, was received from Department of Social Services and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: February 17, 2009, relating to the Appropriations contained in AB 900 Quarter Ending December 31, 2008, was received from Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 23, 2009, relating to the DNA Fund 2008, was received from the County of Tehama and transmitted to the Committee on Public Safety.

An agency report dated: February 17, 2009, relating to the Renewables Portfolio Standard, was received from the Commission on Public Utilities and transmitted to the Committee on Budget and Fiscal Review.



An agency report dated: February 20, 2009, relating to the Non Motorized Transportation Facilities, was received from Department of Transportation and transmitted to the Committee on Transportation and Housing.

An agency report dated: February 18, 2009, relating to the Investments in Northern Ireland, was received from the Division of California State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: December 17, 2008, relating to the Statutory Study Requirement, was received from Office of the Legislative Analyst and transmitted to the Committee on Environmental Quality.

An agency report dated: February 5, 2009, relating to the Securing Supplemental Sources of Water, was received from the County of San Francisco and transmitted to the Committee on Natural Resources and Water.

An annual report dated: February 5, 2009, relating to the DNA Fund 2008, was received from the County of Placer and transmitted to the Committee on Public Safety.

An annual report dated: February 2, 2009, relating to the DNA Fund 2008, was received from the County of Los Angeles and transmitted to the Committee on Public Safety.

An agency report dated: February 13, 2009, relating to the 2007–08 Career Technical Education Carryover Funds, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 11, 2009, relating to the 2007 Contractor's Complaint Report, was received from Department of General Services and transmitted to the Committee on Judiciary.

A supplemental report dated: February 13, 2009, relating to the Department of Education, was received from Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 11, 2009, relating to the Green Buildings, was received from Department of General Services and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 7, 2009, relating to the DNA Fund 2008, was received from the County of Humboldt and transmitted to the Committee on Public Safety.



An annual report dated: February 11, 2009, relating to the DNA Fund 2008, was received from the County of Siskiyou and transmitted to the Committee on Public Safety.

SENATE COMMITTEE ROLL CALLS

Committee on Energy, Utilities and Communications

SB 14—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Corbett, Kehoe, Lowenthal, Padilla, Simitian, and Wiggins.

NOES (3)—Senators Benoit, Cox, and Wright.

Date of Hearing: 3/3/2009

Padilla (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Oropeza, and Yee.

The following Senator was granted leave of absence for the day due to legislative business (waives per diem): Senator Liu.

The following Senators were granted leaves of absence for the day to attend a funeral: Senators Cedillo, Correa, Ducheny, and Romero.

REQUEST TO ADJOURN IN MEMORIAM

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Jovita Flores of Firebaugh.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, March 4, 2009.

PAULA K. ROSSETTO, Minute Clerk

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